# THE VIRGINIA GAZETTE, & GENERAL ADVERTISER

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NUMBER 1035.] SATURDAY, SEPTEMBER 18, 1802. [VOLUME XVII.


## To the Public.

BY virtue of a power of attorney from WILLIAM O. WINSTON and BICKERTON WINSTON, to the subscriber, bearing date the 29th day of July 1802, will be exposed to sale, for cash, at Hanover Courthouse, on the 11th day of October next, if fair, if not, then the next fair day, THIRTEEN

VALUABLE NEGROES,

consisting of Men, Women and Children; Twenty-three Head of CATTLE, including two yoke of Oxen; Eight Head of HORSES, and Twelve Head of SHEEP, for the purpose of discharging the arrearages of Taxes, due from the said William O. Winston, as late Sheriff of Hanover county. DAVID BULLOCK.

September 2d, 1802.

## Land for Sale.

The subscriber offers for sale, that valuable plantation known by the name of

*Strawberry Hill*;

CONTAINING 430 acres of land, lying on Chickahominy swamp, distant about five miles from the city of Richmond. The large proportion of rich low grounds which produce such profitable grass, and the quantity of valuable timber, such as oak, ash, maple, &c. belonging to this tract of land, render it of great value. There is an elegant situation for a house, and there is a variety of choice fruit trees, which have been planted several years ago; besides that, there are good peach and apple orchards which generally bear well. The buildings on the land are in indifferent condition. The premises will be shewn by the overseer now residing there, and possession may be had on the 1st day of January next, with permission to sow wheat in the fall. The purchaser may be accommodated with corn, fodder and hay. For terms apply to Mr. Corbin Braxton of King William county, or to Mr. Carter Braxton of King and Queen county.

ELIZABETH BRAXTON.

July 28th, 1802.

## A REMONSTRANCE

WILL be presented to the next Legislature of Virginia, by the Free-Holders of the Congressional District represented by John Stratton, Esq.—complaining of the addition made to said district, by an act of the last general assembly.

August 24, 1802.

The Executors of the late Gen. George Washington,

*Offer for sale the following Tracts of*

## LAND,

—viz—

A TRACT in Loudoun county on Difficult Run, containing 300 acres—The soil well adapted for farming and a considerable proportion of it might easily be improved into meadow. There is a valuable mill-seat on the premises. It lies on the great road from the City of Washington, Alexandria and Georgetown to Leesburg and Winchester, 19 miles from Alexandria, less from the City and George Town, and not more than three from the Great Falls of the Potomac.

One Tract containing 2,481 acres, lying in the counties of Loudoun and Fauquier, called Ashby's Bent. The soil is that which is said to be most favorable to Plaster of Paris, well watered by several never failing streams issuing from the mountain. Part of this land is cleared and tenanted for lives.

One tract lying part in each of the above counties, containing 885 acres. Chatten's Run passes through this tract and gives several valuable mill-seats. The soil is similar to the above tract and equally favorable to Plaster of Paris.

A tract on the South Fork of Bullskin, containing 1600 acres—One also, Head of Evans's Mill, containing 453 acres, and one on Wormley's line, containing 183 acres. These several tracts are in Jefferson (late Berkeley) county—the soil very similar in quality, and particularly adapted to the culture of tobacco, hemp, wheat and Indian Corn, situated twelve miles from Harper's Ferry.

One tract containing 571 acres in Frederick county. This land is in the vicinity of the last mentioned tracts and equally valuable.

One tract in Hampshire county containing 240 acres. This tract, tho' small, is extremely valuable. It lies on Potomac River, about twelve miles above the town of Bath (or Warm Springs) and is in the shape of a horse-shoe, the river running almost round it—two hundred acres of it are rich low grounds, with a great abundance of the largest Walnut and other trees, which with the produce of the soil, might (by means of the improved navigation of the Potomac) be brought to a shipping port with more ease and at a smaller expence than that which is transported only 30 miles by land.

One third part of 1119 acres in Nansemond county near Suffolk, lying on the road from Suffolk to Norfolk and on Nansemond River. This land is considered extremely valuable by those who are acquainted with it.

One tract in Charles county, Maryland, containing 600 acres. It is very level and lies near the river Potomac.

One tract in Montgomery county, Maryland, containing 519 acres. This land lies about 30 miles above the City of Washington, not far from Kettoctan, and is good farming land.

One tract in Pennsylvania, containing 234 acres. This land affords an exceeding good stand on Braddock's road from Fort Cumberland to Pittsburg, and a large quantity of natural meadow fit for the scythe. It is distinguished by the appellation of the Great Meadows, where the first action with the French, in the year 1754, was fought.

One other tract on the Mohawk river, state of New-York, containing 1000 acres.

In North West Territory—Three tracts lying on Little Miami, containing 3051 acres.

In Kentucky—On Rough Creek, one tract containing 3000 acres—ditto adjoining, 2000 acres. Indisputable titles can be given for the above lands.

LOTS

IN THE CITY OF WASHINGTON.

Two improved lots near the Capitol, square 634. The improvements are, on each an elegant three story brick house.

Four other unimproved lots on the Eastern Branch, No. 5, 12, 13 and 14, in square 667. These lots are advantageously situated on the water.

ALEXANDRIA.

A few valuable lots in Alexandria, corner of Pitt and Princes streets, three or four of which are let on ground rent at 3 dollars per foot.

WINCHESTER.

One lot, in town, of half an acre, adjoining Doctor Makay's, enclosed with a good post and rail fence, and another in the commons of about six acres.

BATH, OR WARM SPRINGS.

Two well situated lots, on one of them is a small building large enough to accommodate one family.

The terms of sale will be made known by application to either of the subscribers.

*Samuel Washington*, Culpeper county.
*George S. Washington*, Jefferson do.
*William A. Washington*, Westmoreland do.
*George W. P. Custis*, Mount Washington, Fairfax do.
*Bushrod Washington*, Mount Vernon, do.
*Lawrence Lewis*, Wood Lawn, do.

August 30. eptf.

WILL BE RUN FOR,

*Over Mr. Edmund Taylor's Ground (Hanover) on Thursday the last day of the present month,*

A PURSE,

TWO MILE HEATS,

FREE for any horse that never won a purse or sweepstake; carrying weight for age agreeable to the Richmond Jockey Club Rules.

September 10, 10, 1802,

Mr. ISAAC GREEN.

SIR,

BE pleased to take notice that in pursuance of the order hereto annexed on the third Thursday in November next, between the hours of ten o'clock in the morning and sunset of the same day, at the court house of Charles-City, in the State of Virginia, I shall proceed to take the depositions of Ezek. Brown, and Samuel Ladd, in a suit in chancery, depending in the court of the said county in which I am plaintiff and you are defendant.

WILLIAM P. BYRD.

Aug. 1st, 1802.

CHARLES-CITY COUNTY, July, 1802.

William P. Byrd, plaintiff, against Isaac Green, defendant, } On an Injunction.

On the motion of the plaintiff this suit is continued, and leave is granted him to take the depositions of his witnesses, on publishing the time and place of taking such depositions, in the Virginia Gazette, for two months successively, and at the courthouse door of this county.

A Copy
Teste
WYATT WALKER, C. C.

*Virginia, to wit:*

*At a Court of Quarterly Session, held for Campbell County, the 9th day of August, 1802,*

William Dabbs, jun. *Plaintiff*,
AGAINST
James Patillo, Nathaniel Deprieste, Mary Deprieste, Charles Deprieste, Stephen Johns, and Sally his wife, late Sally Deprieste; —— Thorp, and Lucy his wife, formerly Lucy Deprieste; Charles Thorp, and Elizabeth his wife, late Elizabeth Deprieste; Bunyon Deprieste, Samuel Deprieste, Austin Deprieste, and Patty Deprieste, heirs of John Deprieste, sen. deceased, *Defendants.* } IN CHANCERY.

THE defendants James Patillo, Nathaniel Deprieste, Mary Deprieste, —— Thorp, and Lucy his wife, formerly Lucy Deprieste; Charles Thorp, and Elizabeth his wife, late Elizabeth Deprieste; Bunyon Deprieste, Samuel Deprieste, Austin Deprieste and Patty Deprieste, not having entered their appearance, and given security according to law and the rules of this court, and it appearing to the satisfaction of the court that they are not inhabitants of this state: *It is Ordered*, that the said defendants do appear here on the second Monday in November next, and answer the plaintiff's action; that a copy of this order be forthwith inserted in some one of the Virginia Gazettes for eight weeks successively, and posted up at the Courthouse of the said county two several court days.

A Copy—Teste,
JOHN ALEXANDER, D. C. C.C.

## NOTICE.

In the matter of *Christopher Anthony* and *Tarleton Woodson Pleasants*,
BANKRUPTS.

THE subscribers being duly appointed Assignees of the estate and effects of Christopher Anthony and Tarleton Woodson Pleasants, Bankrupts—All persons indebted to the said Bankrupts, or who have any of their effects, are not to pay or deliver the same to any other person or persons than the subscribers, or to such as may be duly authorized by them.

GEORGE MARX,
NEIL M'COULL.

10th September, 1802. 4t

ALL persons are forewarned from taking an assignment or transfer of the BRICK LUMBER-HOUSE on the Bason of the Canal, above Messrs. Pickett, Pollard and Johnston's in the city of Richmond, belonging to Mr. Bartlett Still, as I hold a deed of trust on the same for the benefit of Richard S. Hackley, & Co. which the said Still refuses to admit to record, agreeable to law, there being but two subscribing witnesses thereto, no more being convenient at the time of the signing thereof. All persons are required to take due notice thereof.

Wm. MONCURE, Trustee.

Richmond, Sept. 11, 1802.

ON the 28th day of April last, Mr. Seth B. Wigginton applied to me to give him a deed of trust on some property to secure the payment of a debt due by me to Messrs. Richard S. Hickley, & Co. of New-York, which was agreed to by me, the property was named, viz:—1000 acres of Military Land, 200 acres in Fluvanna county, and 1000 acres on Sandy River. Mr. Wigginton also applied to me to know if I would add the Brick Lumber-House, on the basin of the canal, alluded to by Mr. William Moncure, the trustee; my reply was that I would not, nor never would, and gave him my reasons at that time. This conversation passed in the presence of respectable testimony. The three tracts of Land was the property mutually agreed on, between Mr. Seth B. Wigginton and myself; Mr. W. went to his room and filled up the blanks, it being late at night and in the hurry of business I signed the deeds without minutely examining them, having full confidence in Mr. W. that he would not add any thing but what was agreed on.—My refusing to admit the deed to record is not on account of there being but two witnesses to sign, but that the Lumber-House was inserted contrary to my knowledge, instead of the 1000 acres of land.

BARTLETT STILL.

Richmond, Sept. 13, 1802.

SOME time last spring, Mr. Seth B. Wigginton applied to Mr. Bartlett Still, in my presence, to give him a deed of trust on his Brick Lumber-House on the basin of the canal, which Mr. Still positively refused, in consequence of his not having paid for nor obtained a right to it. I further believe, the deed of trust that Mr. Still intended to give Mr. Wigginton, was on three tracts of land, and not the lumber-house.

EDMUND TAYLOR, Jun.

Richmond, Sept. 13, 1802.

STRAYED OR STOLEN,

*From the Commons of this City, about the 4th inst.*

## A sorrel horse,

ABOUT four feet ten inches high, 17 or 18 years old, shod all round; he has a blaze face, hanging mane, and switch tail, one of his hind feet white, is branded upon one of his buttocks with a Q or something like it, with a lump on the middle of his back about the size of a hen's egg, is in good order, he paces, flow, trots roughly, gallops very well and has tolerable good spirit. Having owned this horse upwards of ten years, he is well known to many people. Any person who will deliver the aforesaid horse to me in this city, shall receive Ten Dollars; if stolen twenty for the thief if brought to justice.

Charles Winegardner.

Richmond, Sept. 13, 1802.

## CALL's REPORTS.

*SECOND VOLUME.*

THIS book is now ready for delivery, at the Printing-Office of Thomas Nicolson, in the City of Richmond.

September 13, 1802.

*TO BE SOLD,*

## By AUCTION,

*On Wednesday the 22d day of this month, at 9 o'clock in the forenoon, at the store lately occupied by Anthony and Pleasants, before the major part of the commissioners named and authorized in and by a commission of bankruptcy awarded and issued against Christopher Anthony and Tarlton Woodson Pleasants, merchants, under the firm of Anthony and Pleasants,*

SUNDRY ARTICLES OF

MERCHANDIZE,

*And Compting-Room*

FURNIUURE,

FOR CASH.

GEORGE MARX, NIEL M'COULL, } *Assignees.*

*Richmond, Sept. 14, 1802.*

*From the Gazette of the United States.*

Moderate men are of opinion that it is best "to bury party animosity and division, and look for good men, without regard to politics." Mr. Jefferson was in this mood when he made his inaugural speech, in which he speaks of "restoring harmony to social intercourse." But Mr. Duane, "the organ of the people," calls all that, and perhaps the whole inaugural speech may be called, mere "*slang*" of the day.

COMMUNICATION.

The Jacobins tell us that Mr. Jefferson is *abused*. Inquire correctly, and it will be found that Mr. Jefferson has abused himself. Recollect that he paid for the publication of slanders against Washington, Adams, &c. yes, stark naked falsehoods; that he patronized, while it served his turn, the man who pronounced Washington to be a "poltroon," and Adams a "scoundrel;" that he now patronizes a man who has escaped from the arm of British justice, and who has a knowledge of stolen letters, and who,—(the pen almost refuses to trace the words which must chill the feeling heart with horror)—and who declared, that "had not Washington left town at the time he did, which was rather unexpected to D.) he would have *shot him!*" Oh monstrous! He was determined, it appears, to render himself notorious by some means or other. But had the assassin ventured into the presence of that great and good man, he would have been so over-awed that his trembling fingers could never have drawn the trigger; his frame had been palsied; and his dark soul had recoiled into itself, as it did before that august body, the senate, when he was brought up for a libel.—Say now, does not Mr. Jefferson *abuse himself*, by keeping such characters about him? How degrading!

—

Many people enquire, what has Mr. Burr done to forfeit the confidence of the ministerial sect, and to bring down upon his head such a torrent of abuse from the Jeffersonians and the Clintonians? The answer is at hand. He has done just the reverse of what their idol, Jefferson did. When the specimen sheets of a false and libellous *History of the Administration of John Adams*, were shewn to him, instead of giving the author a hundred dollars to encourage the scandalous publication, he immediately set about suppressing the work and preventing the publication of the copies which were already printed off. The cases of Wood and Callender are very similar. They are both foreigners; both, upon their arrival in this country, were fallen upon by the enemies of our government and seduced into an opposition to the administrations of Washington and Adams; both have since discovered that they were cheated and gulled, and both have published the names of those who imposed upon them the falsehoods which they were induced to publish as truths. Wood has honestly confessed to the public that Duane furnished a number of the most absurd lies which were inserted in his history; and Callender that Mr. Giles, the member of Congress, supplied the materials of the most infamous parts of the *Prospect before Us*. Who can wonder, then, that the whole *clan* should be exasperated at the audacity of Mr. Burr in attempting to suppress a collection of favourite falsehoods; or that they could applaud the conduct of the President for joining, heart, hand, and purse, in promoting such a publication as the Prospect? Such is the cause of the quarrel with Mr. Burr. —"The head and front of his offending hath this extent, no more."

—

It is said that Mr. Jefferson more deeply than ever deplores the "*lacerations of the press*," and the "*oceans of calumny with which it has been thought expedient to overwhelm his name.*"—He must blame himself alone for these things. Notwithstanding the oceans of vile calumny, with which he thought it expedient, through the instrumentality of his organ, Callender, and his *bag-pipe*, Duane, to overwhelm the names of Washington, Hamilton, Adams and all those who administered the government, the federal republicans, at his accession to the presidency, proffered a flag of truce and would willingly have buried the past in oblivion upon the terms which he proposed in his inaugural speech.—But he instantly commenced a system of tyrannical proscription unheard of in a free country: He insultingly invited to our shores the most odious man alive, and called to one of the highest offices in the government a foreigner who had instigated an insurrection against the laws. After all this, his fitness for the confidence of the people ought to be known, and unless he voluntarily retires (as it is thought he will) before another election, it *shall be known*. We have long been in possession of an anecdote which would settle this business. We find by paragraphs in several papers, that others are also in possession of it. Let the friends of Mr. Jefferson look to it, and give him prudent council, if they wish his character should continue to be treated with a delicacy which it does not deserve. Should all be made known, he would not like his friend, exultingly exclaim,—"*Look at my Children.*"


A FEW COPIES OF

*Henning's Justice,*

*May be had at this Office, and of Mr. Pomfret, Book-Binder and Stationer.*

*From the N. Y. Evening Post.*

## JEFFERSON & CALLENDER.

[CONCLUDED.]

The delay of this number so long, has arisen, not from that miserable indifference to the state of public affairs, which too many endeavor to conceal under the name of a discreet moderation, nor from that shameful indolence which would fain take shelter in a pretended love of quiet, but solely from a desire to do justice to the subject, by bestowing upon it all that patient research, that dispassionate investigation, which it must on all hands be allowed to demand.

It is our belief, that in ordering the fine of 200 dollars to be repaid to James Thomson Callender, after it had been levied by the marshal and had of course become legally *vested* in the United States, the president has assumed a prerogative unknown to the constitution: It has therefore become our duty to *arraign this abuse at the bar of public reason*. And while we shall studiously avoid any uncandid construction, or indecorous licence, no considerations shall induce us to abstain from a free and decent enquiry.

It may not be improper here to provide against certain false and improper impressions which might tend to lessen that degree of undivided attention which we must invite, as absolutely essential to a right understanding of the subject before us. There are doubtless many well-disposed persons who will be apt to consider chiefly the amount of the fine itself, and to exclaim with the poet, *Rixatur de lana caprina.** They may imagine a mere 200 dollars to be too paltry a sum to attract much notice or cause any serious alarm. But let it be forever remembered, that in constitutional questions, it is the principle, not the amount of the sum in controversy, which is to be taken into account. Usurpations of every kind are introduced with the greater facility, when in their first attempts, they are too trivial to arrest attention, or when they are cloaked under the plausible pretext of public utility. Once introduced, however, we are soon awakened to behold a gigantic monster, who with his foot on the earth and his head in the clouds† becomes too firm and formidable ever to be moved. The exercise of a *Letter de Cachet*, in a few preliminary instances of known and detestable crimes, may have led to the establishment of the Bastile, and all the horrors of discretionary imprisonment. On the other hand, the assumed prerogative of bestowing at the will of the Monarch, moderate rewards on great services rendered the community, might smooth the way to the unlimited disposal of national property upon the corrupt favorers of arbitrary power. When Charles the First was happily induced to violate the constitution by his unauthorized exaction of ship money, the celebrated John Hambden made a great and glorious opposition; renowned in the annals of all succeeding ages: his resistance cost him an ample fortune; yet the sum demanded was only a few shillings. The amount claimed was clearly no object, but the principle contended for involved the Liberties and Constitution of his country—and he made a noble stand in their behalf which has given a splendor to his name that no time can diminish.—Thus, to come down to our own times, the trifling duty of three pence a pound upon tea, was a matter altogether insignificant when set in comparison with the toils, the dangers, the blood and treasure which was to be the price of a revolution. But an Otis, an Adams, a Hancock, a warren, a Quincey and a Mollineaux, sat not down with Pike's Arithmetic before them to calculate the exact amount which an opposition was to cost—When it became a question between "economy in the public expense" and principle, they were not to be deterred by an impotent apprehension that it would *take from the mouth of labor* some of the bread *it had earned*. The admission of a right to tax and bind America by law in all cases whatsoever, could not be endured—it involved principles repugnant to constitutional rights and subversive of FREEDOM. This was the great consideration which impelled them forward and taught them to spurn at those obstacles which with weaker or less patriotic men would have been insurmountable. History will inscribe their names in the same roll with that of Hambden and Pym.

In the language then of a nervous writer, "Let me exhort and conjure you, my fellow-citizens, never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by, without a determined, persevering resistance. One precedent creates another. —They soon accumulate and constitute law. What yesterday was fact, to day is doctrine. Examples are supposed to justify the most dangerous measures; and where they do not suit exactly, the defect is supplied by analogy.—This is not the cause of faction, or of party, or of any individual, but the common interest of every man in" America. If the constitutional powers of the president did not in the case we are about to consider, extend to the restitution of the fine which had been levied, or if the pardon, as issued, was not legally competent to produce the effect ascribed to it, then the constitution of the country has been violated—and if it may be violated with impunity in one instance, what security have we for its future safety?

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* *Let them dispute about straws.*

† *Ingreditur que solo, et caput inter nubila condit. Virg.*

Having made these preliminary remarks, we come now more immediately to the subject of the present number.

In order to avoid being perplexed with useless controversy, and losing sight of the principal question, let us here state the leading features of the case itself.

On the 28th of May, 1800, James T. Callender was legally convicted of a misdemeanor, and sentenced to pay a fine of 200 dollars, to be imprisoned nine months, and find security for his good behaviour for a certain term "beyond the expiration of his imprisonment;" shortly after Callender had paid the fine into the hands of the marshal, and after the term of his imprisonment had expired, a general pardon of the misdemeanor *remitting and releasing all pains and penalties incurred or to be incurred by reason thereof*, was granted, and sent to the marshal. Doubts were suggested whether, having once received the money from Callender, the officer could legally *pay it back* to him. These doubts were communicated to the acting secretary of state, who after a delay of nearly a month, replyed, that the question had been considered, and that "before a fine is paid into the treasury, a pardon remits and restores it to the party;" concluding with a direction to the marshal to "restore the money to Mr. Callender;" which was accordingly done.

On this statement it will be maintained—First, that the President had no power to restore the fine after it had been levied.—Second, admitting him to be possessed of the right, yet that a *charter* of *pardon* simply, like the one in this case, could not without express words of restitution, have that operation. If I am successful in my attempt to establish these propositions, it will follow, that Mr. Jefferson has exceeded his constitutional powers, and violated the laws of his country. Surely this subject is interesting, although the investigation may be tedious; but however I may fail to amuse the multitude of readers, I flatter myself I shall receive the serious and candid attention of all men of reflection.

In discussing these two points, I shall confine myself strictly to the facts, leaving to another opportunity, a more particular enquiry into the president's motives. For the present, I shall take it for granted, that he was actually influenced by those ascribed to him in the papers *devoted* to his defence, particularly that printed at Worcester, under the immediate care and direction of the Attorney General: a desire to evince his opposition to the sedition act as an unconstitutional law.—He is welcome to all the benefits to be derived from such a defence; and in truth he must take up with this, or resort to one equally unjustifiable, and far more disgraceful.—But to return—

First—*The president has no power to restore a fine once levied.* The people of the United States, when they adopted the national constitution, not only directed that all executive powers should be vested in a president, but they defined and limited those powers in the instrument itself: No power therefore can be legally exercised by him unless given by express provision, or resulting by fair construction.—I am no advocate for the diminution of those powers; I would be the last man to desire to place a limitation on the salutary prerogatives of the Executive; I consider them essentially necessary to the welfare and happiness of the people, and I would not by any forced inference attempt in any shape to abridge them. But notwithstanding the liberality of this disposition, I am, and ever shall be, rigidly tenacious of the principle by which those powers are to be tested. We are to be governed by the constitution as we find it, not as it might be modified. If the powers of the executive are too narrow, extend them by amendment, but not by a violation of the instrument: Till that is done, we must take it as it is.

After the most careful examination of the constitution, I can find no clause expressly authorising the executive to order the *restitution of a fine*, and thus *divest* the United States of monies, once legally *vested* by a payment to one of their officers, for their use. Since then the constitution contains no express provision of this sort, it remains only to enquire if any such power exists by fair implication? And here again I have to confess, that I can find no word or phrase which can be even brought to bear at all on the subject, except the single clause which confers on the president the right to grant reprieves and *pardons*. And we are thus brought to the single consideration, whether the power to *pardon* offences necessarily implies a power of *restitution?*

The term *pardon*, in the English law books, is applicable to various subject. There, the crown may pardon not only crimes and misdemeanors, but debts; and by a seperate and destiner prerogative, may award restitution of goods and chattles or lands forfeited; here, however, the power of the president is expressly limited to the granting "*reprieves and pardons for offences against the United States, except in cases of impeachment.*" The question therefore resolves itself precisely into this; whether a right to pardon implies in its very essence, a power to restore a fine imposed, and already paid?

In England, all fines make a part of the ordinary revenue of the crown, and are paid into the exchequer for the sole use of the king, who is the sole proprietor or possessor thereof, and who may therefore order restitution. But even there, altho' in the words of Blackstone, "the effect of a *pardon* simply is to make the offender a new man; to acquit him of all *corporal penalties and forfeitures** annexed to that offence for which he obtains his pardon," yet all this, as we shall presently see, will not operate to *restore* a fine without express *words of restitution*. In this country fines are not paid into the exchequer for the use of the president, but into the treasury for the use of the UNITED STATES—The theory of our government never once contemplated a power in the executive over the treasury, in any shape. And here it is we take the material distinction, in reference to this subject, between the King of Great Britain and the President of the United States. It may now, perhaps, be proper, before we go any further, to examine the English law more particularly as to the power of the crown, to grant pardons. I hold it to have been long since indisputably settled, by a course of authorities, that where *the subject, or subjects generally, have an interest in the fine, there the Crown cannot interpose to order restitution.* To this point authorities shall be produced—

"A pardon does not discharge a thing in which the subject has a property or interest." Resolved, 3 Cro.. 31. 2 3 Mod. 56. Cro. Car. 3[illegible], 8.

"A *penalty* upon a conviction for deer-stealing is not discharged *by a pardon*, for *it is a forfeiture to the party* grieved, and *he hath an interest in the penalty.*" Semb. 1 Salk. 383, 4.

"The Crown's share only of a forfeiture is pardoned by an act of general pardon." Temp. Ann. Parker 280.

"After an action popular, brought *tam pro domino quam pro seipso*, according to the statute, the king cannot discharge but his own part, and cannot discharge the informer's part." 3 Cro. Ins. 238. Str. 53[illegible] 1272. 21 Geo. II.

Thus we see, that while the law allows the King his full prerogative where he alone is concerned, it is scrupulously vigilant that he shall never exercise it where it in any manner interferes with the rights of others, and although it cannot exclude the prerogative of pardon, it may prevent the exercise of the prerogative of *restitution* from accompanying the pardon. The King can only restore money which belongs to himself—that in which no one else has an interest; but in the theory of our government it is not once contemplated that any part of the public money belongs to the Executive. Reasoning therefore by fair analogy from the cases above cited, it follows, that as the United States have the sole interest in the penalty levied, the President can have no right to order it restored, or in any way to interfere with it. But we are not even left to inference on this important subject:—When once a fine is levied, it becomes a *vested* part of the national revenue, and subject to the disposition of Congress only; to whom alone all power of this nature is expressly entrusted by the Constitution—"*No money shall be drawn from the Treasury, but in consequence of appropriation made by law.*" Could words more strong be found to guard public property? I am induced, however to believe that the Attorney General, then Secretary of State *pro tem*, must have founded his opinion on this very clause: I fancy that, on looking at this phrase, the notion occurred to him that before a fine is paid into the Treasury, a pardon remits and *restores* it to the party. I am at a loss, indeed, to conjecture upon what other ground he has attempted the distinction between money paid into the Treasury and money paid to Officers, who, by receiving it, become accountable for it to the Treasury. The supposed novelty of the question, one would imagine must naturally have excited his attention; its importance, in an abstract view, could hardly have escaped him, and the responsibility of his situation, as Counsellor of the President in all important law points, must have imposed it upon him as his duty to examine it with the most cautious deliberation. Yet, after all, it will be found, that he has proceeded upon a distinction without any solid difference. The Constitution supposed that all monies belonging to the public, would be paid into the Treasury; and for greater caution, meant by this clause to guard against unwarranted appropriations. It was taken for granted that no indirect applications for money would be made to any of its collecting offices, and therefore that it would be sufficient to admonith those who acted in the Treasury, that they would not be justified in paying out money without an express legal appropriation. The doctrine, however now contended for would render all such provisions perfectly nugatory. Vain indeed has been this caution—idle all the preventative wisdom of the framers of our constitution, if the President of the United States can dispose of the public money as he pleases, at any time before it actually reaches the national treasury. This is to render him the absolute and incontrolable governor, if not proprietor, of all the public revenues. If it is law to proceed as he has done in the case before us, he may cancel all the Custom-house bonds, or issue his warrants to the collectors of the customs and supervisores of the revenue, and dispose of whatever public money is in their hands, any time before it is lodged in the coffers of the treasury. What would be the consequences of such a doctrine, and how fairly it may be inferred from the opinion of the Attorney General, the people must judge.

We come now to the second proposition; namely, admitting the President to be possessed of the right, yet that a charter of pardon, without *words of restitution*, could not operate to restore the money. It will be perceived that here I am at issue with the Attorney-General, who after several weeks consideration delivered it as his opinion "that before a fine is paid into the Treasury, a pardon remits and restores it to the party." In a case of this public moment however, we hope we shall stand excused, if we undertake to examine for ourselves what the law may be, uninfluenced by lofty names or exalted station. And in direct contradiction to this great law-officer, I shall maintain, that when a fine is once paid, it having become property *vested*, a charter of pardon does not imply its *restitution*. To establish this doctrine the following authorities are conceived to be directly in point.

"In error upon outlawry pronounced upon indictment of murder, it was assigned for error, that at the capias, the king pardoned him *all that in him is, all chattels and possessions*; and prayed that the outlawry be reversed and that he have his chattels; and the judgment was reversed, *but he did not re-have* his goods, for it seems that it ought to be by *words of restitution* and not by words of *pardon*." Br. Charters de pardon pl. 73. cites 9 H. 5. 14. 15.

"A *pardon* of an outlawry for felony, does not restore his goods or lands, forfeited by the outlawry, without *words of restitution*. 2 Rol. Ab. 179. l. 15.

"A man is indicted of a trespass and outlawed at the suit of the king: & *Rex pardonavit utlagariam in eum promulgatum, et quicquid ad eum pertinet*, and notwithstanding the defendant *shall make fine*, for it seemeth that these words *quicquid ad eum pertinet* without any reference, are too general to dispense with the fine." 3 Ins. 239.

"A pardon of all forfeitures will not *divest* an interest *vested* in the king." 3 Mod. 2 Jac. 2. B.

"As no pardon from the king shall *divest* any interest *vested* in the subject; so neither shall it, *without words of restitution*, even *divest* any thing from the king." Lev. 8. 120. 2 Mod. 53. Saund. 302. 3 Mod. 111. Bac. 5. 296.

"If a man outlawed at the suit of the party be *pardoned* of the outlawry, yet he is not restored to his goods *thereby*: For the *pardon* shall not give *restitution of goods*. Br. Charters de pardon pl. 11.

"*Pardon* by the king, without *express words of restitution*, shall not *divest*, either from the king or subject *an interest*, either in lands or goods, *vested* in them by an attainder or conviction precedent. 2 Hawk Pl. C. 296. cap. 37. 3. 54.

It must be remember that the general doctrine is that a pardon acquits of "all corporal penalties and forfeitures annexed to the offence," yet we see it expressly adjudged that without *specific words of restitution*, no pardon can restore a fine levied.—After observing the uniform current of authorities, I confess myself utterly at a loss to conceive in what way the President, or the Secretary of State, or the Attorney-General, will attempt to support the opinion which has been given and acted upon. No lawyer will contend that any words or phrase in the pardon issued by the President, amount to *words of restitution*, but if any common reader should incline to such an opinion it may be observed, that the Attorney-General himself has saved us the trouble of shewing that they do not, for he places the question precisely on the footing, that "*a pardon of itself remits and restores a fine to the party.*" Indeed it would have been in vain to have laid any stress upon the terms made use of by the President, for we have seen it decided, that the same, and much broader phraseology is held not to comprehend *terms of restitution.*

Thus then, unless I am entirely mistaken in the correctness and applicability of the laws, and in my conscience I believe I am not, it appears, first, that the President was not empowered to order the *restitution of the fine*: and secondly, that if he was, yet he has not in his charter of pardon made use of apt, legal words sufficient for such purpose. It therefore follows, that here has been not only an assumption of prerogative unknown to the Constitution, but a daring attempt to ascribe to an official act of the Executive an effect directly in the face of the law. This, however, ought not, perhaps, so much to excite surprise, for when one branch of the Government has the profligate audacity to attempt to mark with derision a public statute which had been regularly and formally enacted, it certainly can be little scruple to trample on all those forms, which the wisdom of our ancestors has established.

I have now completed the task I assigned myself when I began these numbers. It may be expected, perhaps, by those who remember that the *eventual* payment of the fine, was the purchase of a suppression of Callender's threatened narrative of the whole transaction, that some observations will here be made on the everlasting disgrace to which Mr. Jefferson has exposed himself, by the motives which induced him to persist in ordering the re-payment of the money after those doubts as to his legal powers had been fairly laid before him. But all remarks of this will find a place in the occasional editorial paragraphs of the day; it is desirable that no considerations of a personal nature should mix themselves with this great constitutional question. We shall be attentive to the first answer which may appear from any quarter, of sufficient respectability to entitle it to our notice, and it shall meet with an early attention. A fair, full and candid discussion is our object, and if we live, this discussion shall be had; nay, it shall be continued and repeated at every opportunity, and in every attitude, till the great body of the people perfectly comprehend the subject, even in all its remote consequences.

It remains to be seen whether those in power, can by fair words and plausible professions, seduce the American nation to yield to direct and daring USURPATION.

* *The words made use of by the president are "all pains and penalties."*

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FROM THE FREDERICK-TOWN HERALD.

*To the Printer of the Fredericktown Herald:*

SIR,

A very heavy rain, we had some time ago, so much injured our roads, that it became necessary to repair them, which brought together many of our neighbours. It fortunately happened, that my friendly neighbour, whom I have so often mentioned before, was passing along the road, and observing that all the neighbours were present besides several others, who had heard him last Saturday on my porch, explaining the conduct of Mr. Jefferson; how he had in such an underhanded manner attempted to blast the characters of general Washington and Mr. Adams, in order that he might plume himself with the merits, and uninterruptedly enjoy the fruits of their labours. While all of us were crouding around him, (for you may be sure Mr. Printer, they, like myself, no longer think him a tyrant, because he is a richer man than they) he dismounted his horse and took a seat in the shade. Well, neighbours said he, have you ever read Æsop's Fables? Most of them said they had. Well, replied he, do you recollect the fable of the jackdaw and peacocks? They observed that it had been so long since they had read the fable that they could hardly recollect it. Then, said he, I'll tell it to you: a vain aspiring jackdaw, finding a number of peacock plumes, picked them up one by one and stuck them among his sable feathers, until he was entirely disguised and resembled in a small degree that elegant bird from which they had come: his companions admired and flattered him, by saying, he was the handsomest and greatest peacock in the world; that he was fit to keep company with, nay, even to sway and direct, the whole flock of peacocks. This flattery was too strong for the daw to resist, and very soon he was seen in company with the peacocks, and even attempting, by professions and fine promises, to manage and direct their concerns; but as soon as he began to act, the strange words he made use of and his uncommon behaviour, created suspicion; for when the peacocks would mount the fence to shew their fine plumes, he would walk about as if he had no pride; when they met in council he would not appear, but send his opinion by a hired peacock; he would not roust nor feed like the other birds; he would make many fine promises and perform but few of them. Conduct so extraordinary made the old peacocks examine him closely; when they soon discovered the truth, and one and another claimed this and that feather, until they stripped him of all his borrowed and ill-gotten beauty, and now behold, to the astonishment of all the peacocks, they saw but a vain, silly, chattering jackdaw. My neighbours at the relation of this story burst into a loud laugh and said what a foolish silly jackdaw it must have been to try, with false and borrowed feathers, to impose upon the whole flock of peacocks, and how simple must his companions have been to persuade him that he resembled and was as fine a bird as the greatest peacock. How ridiculous must all the chattering tribe of jackdaws have appeared, when they saw their vain champion stripped of his false feathers, and exposed to view in his naked deformity. Here the laugh was encreased and continued for some time; at length, however, they became calm, when he again began and said—Well, neighbours, I will now shew you how and to whom I mean to apply the Fable of the Daw—it is to Mr. Jefferson. Here they all stared at my friendly neighbour; he told them not to be uneasy, but to hear what he had to say. The first we hear of Jefferson, said he, was in the old congress, when Richard Henry Lee made a motion in the following words: "Resolved that these united colonies are and of right ought to be free and independent states," and further moved that a declaration of our independence should be drawn up immediately and published to the world, which was agreed to. Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman and Mr. Livingston were named as a committee to prepare the form of a declaration of independence. Though Mr. Jefferson was on the committee, by which the declaration was to be written, yet if any person was entitled to superior praise in this affair, it was Mr. Lee, who had the courage to make the motion (courage was never considered even a borrowed feather among Mr. Jefferson's plumes) and who would have been in every respect competent to draw up the declaration, as were no doubt all the members of the committee itself. But, because they pretend Jefferson was the author of this piece of writing, he has taken as much exclusive praise, as if he had had the courage first to propose our independence, and afterwards had been its main support. In this business, Jefferson has picked up many feathers belonging to other birds. During the remainder of the revolutionary war, we hear nothing more of Jefferson, except that he was governor of Virginia at the time the British army landed there and marched to the metropolis of the state, where, as governor, he resided; when (as it is said of the largest bird in the world, the Ostrich, which, when pursued, hides its head and leaves its whole body exposed, to be plundered by its pursuers of all its rich and elegant plumage) Jefferson left all behind him, and it is positively asserted, hid himself in a hay stack. It was at this time that some of his feathers began to shake. About the time of his governorship, he wrote a book, call "Jefferson's Notes on Virginia," which has never been read or spoken of by the learned, but to ridicule the author. In this book, when writing about religion, he says, "It will not break my leg nor pick my pocket, if

my neighbour says, there are twenty Gods or no God! if his testimony, (because of his infidelity) cannot be relied on, why reject it, and let the stigma rest on him." Suppose one of those unbelievers, who said there were twenty Gods or no God, was to meet Jefferson in these mountains, and wanted his cash, what would prevent him from breaking his leg and his neck too, in order to get his money? Not the laws of his country, for he takes care no one shall see him commit the robbery; not the all-seeing eye of God, and the punishments, which await highway robbers in a world to come! No, because he does not believe there is a God, and, as to futurity, he laughs at the idea.—What, I ask you, neighbours, would be your situation, if one of those men, with his twenty Gods or his no God, through malice was to charge you with stealing a horse, and have you arraigned at the bar of justice, and in open court swear positively, that you had at such a time broke open his stable and taken out his horse? Would, or could the court reject his testimony? No—where then would the stigma rest; upon the unbeliever or upon you? Most certainly upon you; reflect seriously on this neighbours.—Speaking of government, Jefferson says, the rich ought to have a separate weight in one branch of the government, so as to balance against the numbers of the poor. Is this a true republican principle? Of manufactures, he says, we ought to have none in this country; but masons, smiths and carpenters. How are we then to get many useful things, we daily want upon our farms? Why, he says, send produce to Europe for them. This to be sure, would be pretty business for the farmers. Indeed all the wisdom discovered in his book, is his knowledge of bugs, butterflies, mice and negro kidneys. After the conclusion of the war, when there was nothing of consequence to do, (for better men were found during the contest, men of courage and intrepidity to send to Europe to settle our independence and national affairs with the different powers of Europe) Jefferson was sent to France, as our ambassador, where he has learned even to surpass that nation in faithless promises, and hypocritical doings. When the present government was established, General Washington, as if at that moment guided by some luckless impulse, appointed him secretary of state: A dispute had arisen between the British and our government, and it became necessary to settle the disputed points in writing. The writings which came through Jefferson as the organ and were supposed to be composed by him, were praised throughout America and the world, as a master-piece of the kind; for they contained such learning, such knowledge of the laws of nations, and the true interest of America; that Jefferson gathered from them many feathers to stick about him; but, I assure you, that the merit of those writings is not entirely Jefferson's property. As to the matter they contain, he had the wise and good Washington to direct him; and it is understood that both as to their matter and manner, there was great assistance from the superior talents of Alexander Hamilton and the rest of General Washington's council. Indeed it has been said, that some lawyer in Philadelphia composed them for him. However these writings paved the way to Jefferson's popularity, and the chattering democrats have made you all believe (as they did him) that he was the greatest bird in the world, and, now that he is President, he acts like the Jackdaw, for he will in no one thing do, as Presidents Washington and Adams did before him; he makes fine promises, many of which he never keeps; he flatters often with a view to deceive: The old veteran soldiers who are bending under the weight of infirmities, brought on by the revolutionary war, and who had for that reason been placed by General Washington in some offices, where they could, with the small remains of strength, support an aged wife and small children, were turned out helpless, poor and penyless by Jefferson while he put in their places, strangers and jackdaws of the day; some of them who conducted the British army through our land, and lent their aid to kill our fellow citizens and burn and destroy our towns, houses and farms, and to add to the catalogue of ill chosen officers, he appointed a man, who was at the head of the whiskey insurrection, which cost an immense sum of money, and many valuable lives to quell, to manage our money matters, for which he receives five thousand dollars every year.—Well neighbours! how will Jefferson appear, when all those patriots of the old congress, who have been robbed of their feathers; when Washington, Adams, Hamilton, Jay, Lee, and many others, who have laboured hard in the cause of our independence, and the establishment of this excellent government (with which, by the bye, Jefferson never was pleased) come forward and claim each his stolen plume, and pluck them from their proud wearer? Will he not, like the jackdaw in the fable, when stripped of his borrowed plumage, appear in his native dark hue, a fit subject of derision to the world, as well himself as the democratical chattering jackdaws, who placed him in so gaudy a situation? My neighbour now mounted his horse and rode off. Astonishment prevented any one from even bidding him farewell; at length they with one voice said, is this the great philosopher! this wonder of the world! this none such as we were told by the chattering democrats from town!—Had we known all this, Adams should never have been deserted; but lies uncontradicted have led us into error; and now we are determined to listen to nothing but truth. The chattering democrats must beware how they attempt again to deceive us. Mr. Printer, this letter, tho' long, I hope you will publish, for I think many people do not know, that Jefferson became a great man by other men's merits, and not his own. A FARMER.

*Frederick County, Sept. 8, 1802.*

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## BOSTON, September 8.

### *New-Hampshire Representatives.*

EIGHTH CONGRESS.

*Republican Ticket.*—Hon. Samuel Tenney, *Samuel Hunt, Clifton Clagget, Silas Bettan, and David Hough.

*Democratic List.*—Clement Storor, Thomas Cogswell, Jonathan Smith, *Nahum Parker, and Moody Bedel, Esquires.

* These gentlemen have also been voted for, to supply the vacancy in the present Congress, occasioned by the resignation of the hon. Joseph Peirce;—and will succeed, or fail, with the ticket to which they belong; *i e* Mr. Hunt will be elected.

| | Repub. | De. | | Repub. | De. |
|---|---|---|---|---|---|
| Bedford, | 72 | 9 | Deerfield, | 28 | 100 |
| Brentwood, | 45 | 0 | Dover, | 31 | 61 |
| Concord, | 76 | 63 | Durham, | 44 | 76 |
| Candia, | 55 | 5 | Epsom, | 8 | 48 |
| Exeter, | 89 | 7 | Greenland, | 5 | 45 |
| Epping, | 48 | 21 | Milton, | 70 | 1 |
| Farmington, | 36 | 9 | Northampton, | 34 | 33 |
| Hampton | 21 | 38 | New Market | 38 | 70 |
| Keene, | 54 | 0 | New-Castle, | 1 | 34 |
| Kensington, | 17 | 19 | New-Chester, | 60 | 1 |
| Londonderry, | 116 | 1 | Rye, | 0 | 80 |
| Notingham, | 18 | 36 | Stratham, | 24 | 34 |
| Newport, | 63 | 0 | Packerfield, Sullivan, Marlboro', Stodard, Gilsum, Savoy, | 377 | 3 |
| Portsmouth | 121 | 316 | | | |
| Pittsfield, | 53 | 0 | | | |
| Rochester | 18 | 35 | | | |
| Salisbury, | 91 | 20 | | | |
| Somersworth | 35 | 0 | | | |
| Walpole, | 82 | 52 | | | |
| New-Ipswich, | 103 | 0 | | | |
| Rindge, | 92 | 19 | Madbury, | 14 | 22 |
| Barnstead, | 5 | 60 | | 2160 | 1322 |
| Barrington, | 105 | 8 | | | |

### *New-Hampshire Federalism!*

The remark made in our last, respecting political convalescence in New-Hampshire, alluded to Portsmouth, and a few towns in its vicinity, only. The other parts of the state being whole, have never needed a physician. We asserted in April last, "that the issue of the election for Governor, did not portray the political features of New-Hampshire; that the state was much more federal than the majority of votes indicated; and that the canvas had been conducted more on banking than on political grounds." The election just made will demonstrate the accuracy of our assertions. The majority for the Federal Republican Ticket will be as large as it ever has been in the best of times.

The votes of 23 towns in the Portsmouth Oracle of Saturday last, stand thus;—for the Federal Republican list 1031;—for the Democratic 1082. In these towns, in March last, Mr. Langdon had upwards of 1100 votes more than Governor Gilman!

The Portsmouth Oracle of the 4th, "congratulates its friends on the pleasing appearance of the election—on the increasing strength of true Republicanism—not the bastard Republicanism of modern date; but the noble and pure principle which animated the great and modest Washington." The Federal Republicans in Massachusetts, most heartily join in these congratulations; and will imitate the zeal and unanimity of their brethren of New-Hampshire, in their elections in November next. They cannot promise that the representation of Massachusetts, like that of New-Hampshire, will be wholly federal; the division of the state into districts has a tendency to diminish the force of exertion; but it will be more federal than it now is.—Were the citizens of Massachusetts, like those of New-Hampshire, Connecticut and Rhode-Island, permitted to vote for their National Representatives by a GENERAL TICKET, not one democratic Member would shade the Representation in the next Congress. As it is, a small exertion will effect very beneficial alterations. If the citizens of *New-England* wish to regain their influence in the National Councils, their representation must be of one heart, and one mind. *New-Hampshire* has set the example;—*Connecticut* and *Vermont will*, and *Massachusetts must* follow it.

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Of the election in *Rhode-Island* we have learnt but few particulars—There is no doubt, however, of the success of the democratic ticket in that perverse state. In *Providence*, the federal ticket had 282 votes; the democratic 78 votes.

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*Federalism Reviving.*

With pleasure we present our readers with the following extract of a letter from a gentleman of the first respectability.

[*N. Y. E. Post.*]

*Mississippi Territory, August 7*

"In the late election here for territorial representatives, a great change has been made for the better. The old members are almost all out, and had the federal part of this community known their strength on this occasion, none but real respectable men would have been elected.

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The St. Christopher Chronicle of the 30th July, received at this office, contains the following article: "By a gentleman from Dominique, we learn, that a division of French troops, to the number of 8000, under the command of general Boudinot, passed that island a few days ago, in their route to their newly acquired territory of Louisiana, in Spanish America."

[*Mer. Advertiser.*]

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Extract of a letter from St. Bartholomews to a gentleman in Norfolk, dated the 14th of August.

"My last letter, of 30th July, and forwarded via Philadelphia, contained a proclamation respecting the future management of the negroes at Guadaloupe, since which, another proclamation has been published, which *restores to the emigrants their property*. The owners of the lands farmed out by the government are to look to the tenants for the receipt of the rent. The property taken possession of by the government is also to be restored to the former owners.

"By one of the articles it is declared, the French *know no emigrants*. It is expected the same will be done in all the French West-Indies.

"General Lacrosse has been reinstated in his appointment of captain-general of Guadaloupe; the dignity of the French government rendered this act necessary, otherwise we should have been subject to perpetual confusion.

"On the general's landing at Baisaterre (he having for some time past been at Dominique and Marigalante) there was a general illumination for three nights successively. We understand that is left with the captain-general to determine on the deportation of those whom it is deemed necessary to send off the island."

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# The Virginia Gazette.

—RICHMOND—

SATURDAY, SEPTEMBER 18, 1802.


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For the VIRGINIA GAZETTE.

MR. DAVIS,

I saw a petition the other day, which it seems is to be presented to the General Assembly, praying "that a law may be passed, directing that the election of members of the corporation of the city of Richmond shall be annually held, and that the members elected aldermen shall no longer officiate as members of the Common Hall."

Neither being at present, nor expecting to be hereafter, a member of that body, I feel at perfect liberty to consider the subject on its own merits, being altogether free from the influence of exclusive, or personal interest, except so far as the latter is common to me with every other citizen. For once, however, I must be permitted to say, that I am altogether satisfied with the organization of our city-government, and the present administration of our affairs. I feel no inconveniences but such as must necessarily result from the support of any well regulated police; and when I take a view of the members of the Hall, I see in them men whom I consider, on the one hand, as no way disposed to insolence or oppression, and on the other, as fully adequate to the discharge of the duties which their official station devolves upon them. As an inhabitant of the town, then, and having regard only to the promotion of its interests, I trust I shall not be accounted assuming when I request my fellow citizens to consider the subject maturely before they sign the petition.

The "defects" which are stated to be in the corporation, are, first, That the members of the corporate body are elected for the term of three years instead of one year. And, *secondly*, That the same persons who compose the Hustings Court, are also members of the Common Hall. Let us see, now, whether, all things considered, these are really *defects*.

"The first objection is founded on a principle," the petitioners say, "which in their opinion may justly be regarded as the best and surest foundation of all political institutions, of which the objects are the expression of the public will, or the promotion of the public welfare."

It being of little moment to avenge the rules of Grammar of the violence committed against them in this sentence, I shall rather observe that I can discover no reason why "the public will" may not be as effectually expressed, or as implicitly obeyed, (for I do not comprehend precisely the meaning of the expression) by representatives chosen for three years, as by representatives chosen for one year only. The members of Congress were chosen, some of them for two years, some of them for six years, and the president for four: and yet the repeal of the late judiciary law will doubtless be said, by the very persons who probably will sign this petition, to be "an expression of the public will." So far, then, the *defect* is, at least, not evident.

To "promote the public welfare," I suppose, indeed, to be the primary object of political institutions. On this ground, then, let us proceed to enquire into the expediency of the proposed alteration of our "present system of municipal government." Let us examine this point with attention, and judge of it with candor.

When this important task is assigned to a select body of men, I hold it to be sound policy that they should be as independent and as free to act for the public good as may be consistent with the public safety. Nothing can be more impolitic in any people, or more unreasonable, than to impose on a man the weight and trouble of public business, and at the same time tie up his hands from transacting it, under the stale pretence of preserving their own liberties. This would shew, to be sure, that they were sovereign, but not that they were wise. A client totally unacquainted with the forms of pleading and the chicanery of law, who should employ a secret attorney to appear for him in court, and yet insist on prescribing to him, in every instance, the rule of proceeding, would indeed manfully maintain his control over his council, but must content himself, for his pains, with the loss of his cause. To apply these remarks to the case in question would just be in other words to say, that when public agents are too much circumscribed, either as to power or time, however clear may be "the expression of the public will," the execution of it must fail.

A man who would be fond of the office of magistrate or common councilman, I know, could not be reconciled by any considerations, to so long an exclusion from it as the term of three years. It may possibly happen, too, that a man who is a member of a corporate body, but who, from want of talents, or from an untoward temper, shall possess little or no influence among his peers, shall yet have the ingenuity to insinuate suspicions and excite a clamor against them, out of doors, and industriously promote innovations in a government which he has not abilities to conduct, nor yet can obtain permission to control. Leaving both these descriptions of gentlemen, then, out of the question, we will consider for ourselves whether, under present circumstances, triennial elections are not more conducive to our interest than annual ones would be.

Our city is far enough from being in a desirable state of improvement. Many important objects that might be mentioned, are of such a nature as not to be accomplished in one year, which yet, by unremitted exertions, and growing experience, might be attained in the course of two or three. Vagrants, for instance, abound in our streets, who are able to work, yet not ashamed to beg, nor afraid, perhaps, to steal. For such persons we ought to have a work-house, and an hospital also, as an asylum for the sick.—These would be a work of time; and if the present system is permitted to continue, a reasonable prospect of success will encourage the undertaking of them, whilst their gradual advances, like so many instalments, by making the payments easy, would ensure their completion.

It may be supposed, perhaps, that if these were begun by one Hall, they would be pursued with equal zeal and advantage by their successors in office. But they who make such calculations must have paid but little attention to lessons of experience, or to occurrences which have recently happened in a more extensive sphere. These successors will probably have risen on the ruins of every plan which those who preceded them had laid for the public good. We need not surely be told that taxes, however equal and necessary they may be, are easily turned by an ambitious demagogue into powerful weapons against those who imposed them: or that an exemption from these taxes is the specious but fatal lure by which the thoughtless multitude are beguiled at once of their interest and their votes.

All such improvements of course must stop, and the money that has been expended on them be lost: for these men will hold themselves bound to comply with the conditions on which they were elected, and, to preserve their popularity, they will not fail to employ the same destructive arts by which it was acquired.

It is moreover reasonable to suppose that we shall continue to have a more respectable Hall under the present system, than we shall have if annual elections prevail. We shall seek for that responsibility in the talents and integrity of the man, which we give up in the length of his appointment. Annual elections become not only troublesome, but cheap, by the frequency of their occurrence, and men who will have little business to do, and still less interest at heart, will become our electors. Our fellow citizens who could best promote "the public welfare," will withhold the offer of their services, for there is a pride in talents which, on ordinary occasions, will not stoop to court employment. Our Hall will of course be composed of characters less fit: for the experience of every day may convince us, that those persons will be most solicitous to be appointed to office who are least qualified to support its dignity or discharge its duties.

The petition states that in all other corporations the elections are annual. I cannot tell what the fact may be in this respect, but it is of little importance; for it can have no weight as an argument, unless they who advance it, will accompany it by some evidence to prove that the inhabitants of such corporations are either better contented, or more prosperous than ourselves. If the petitioners will please to forbear until they can ascertain this point, it is probable we shall continue at least one three years more in peace.

To a separation of the Court of Hustings from the Common Hall, there can be no very great objection, as it would relieve our magistrates, in some measure, from the heavy burdens we have imposed on them. But otherwise, I must confess, I see no sort of necessity for it. The petitioners, indeed, "beg leave to represent that the doctrine which is laid down in our Bill of Rights, and which prescribes a separation of the judicial from the legislative department of a state is as applicable to a local as to a general government." If this doctrine were even applicable to the corporation of Richmond, the petitioners must surely have forgotten that they were addressing it to a legislature, of which, it is probable, that two-thirds, at least are county magistrates. It would afford a good argument for precluding such magistrates from a seat in the assembly, for it does seem somewhat improper that they should first enact laws as legislators, and then decide upon them as judges. But certainly it cannot be contended that the doctrine is equally applicable to our city-government. In all civil and criminal causes, our magistrates are bound, in all their decisions, by the existing laws of the state, which they had no hand whatever, in enacting. There is therefore no similarity between the two cases.

On the whole, innovations are dangerous things. Our situation at present is a very good one, and I think it would be our wisdom to continue as we are.

He who thinks with me will not sign the petition, or if, through inadvertency, he has has signed, he will yet take the liberty of erasing his name.

CIVIS.

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P. S. If the observations here submitted be entitled to any consideration, it is probable they will not receive it until the reader is satisfied as to the political *feth* to which the author belongs. Let such enquirers be informed that he is one who wishes to indulge no party prejudice, but to judge of men by their morals, and of measures by their utility.

Richmond, Sept. 13, 1802.

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Several Advertisements omitted, for want of room.

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September 15th, 1802.

I DO forewarn any person or persons, from harbouring my WIFE and CHILDREN. I also do forewarn any person or persons from crediting her, as I will not pay any debts of her contracting.

PLEASANT GARTHRIGHT,
New-Kent County.

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*The Subscribers offer for Sale, that valuable*

## Tenement,

In this city, lately occupied by GEORGE NICOLSON, deceased.

THE buildings on this Tenement are, a large convenient two story dwelling house, 48 by 30 feet. In the lower story are three rooms, one of them 30 by 20 feet, a wide airy passage of 12 feet, and a large convenient closet.—A two story brick Kitchen and Laundry, lately built, 30 by 20 feet; the lower floors are neatly paved with brick, and the upper rooms afford fit accommodation for servants; a Smoke-House, Spring-House, Stable and Coach-House.

The elevated and healthy situation of this Tenement; the great variety of beautiful prospects it affords, and its commodious builings, render it as comfortable and pleasant a situation for a private family as any in this city. As three-fourths of the proceeds of sale of the above Tenement will belong to the three youngest children of the subscribers testator, it enables them to accommodate a purchaser, if desired, with a long credit, of four years for three-fourths of the purchase money, and for the other fourth, twelve months credit will be allowed. Bond and approved security will be required, to bear interest from the day of sale, if not punctually paid.

T. NICOLSON, }
A. NICOLSON, } *Ex'ors.*

Richmond, Sept. 15, 1802. (1aw3w.)

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## LOST,

ON Saturday evening the 11th of this month, between Miles Selden's and Richmond, THREE PATENTS for Land in Kentucky—two for 1000 acres each, and one for 833 1-3d do. signed by the Governor of Kentucky; and TWO DEEDS, one executed by Henry Crogan to Wilson Bousn, for 666 2-3ds acres, and the other unexecuted, together with a list of the same. As the above Patents cannot be of service to any one but the owner, they shall be handsomely rewarded by delivering them to Messrs. Pickett, Pollard and Johnston, or William Wiseham, of Richmond.

September 15, 1802.

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## The Broad-Rock Races

WILL COMMENCE

On Tuesday the 28th of September—to continue three days.

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THE first day, a purse of Three Hundred Dollars, running three mile heats—Entrance, Twenty Dollars.

The second day, a purse of One Hundred and Fifty Dollars, two mile heats—Entrance, Ten Dollars, carrying weight for age, agreeable to the New-Market rules.

The third day, a sweepstakes for three years old colts and fillies, running two mile heats, carrying 86lbs. on each. Subscribers each to pay 100 dollars, play or pay, and are at liberty to run any colt or filly of the above age they may bring forward, which they are not bound to name until the day of the race. This subscription will be kept open until the 21st September next. Gentlemen wishing to become subscribers can do so by letter, if they think proper.

W. BALL.

*Broad-Rock, Aug. 23d, 1802.*

FOR SALE,

A VERY GOOD

DWELLING HOUSE,

WITH a Kitchen, Dairy, Smoke-House, and two acres of excellent Ground, well enclosed, in a very handsome situation and very healthy.—Convenient for a boarding house or a private family, as it lies on the main street, near William and Mary College. For terms apply to

E. D. CHEMINANT.

Williamsburg, Sept. 1, 1802. (6t)

# Valuable Property.

FOR SALE,

## Two Farms,

ABOUT 2 miles from York-Town, one containing from two to three hundred acres, at least twenty of which are reclaimed meadow; the other contains one hundred and forty acres; on the former there is a valuable new GRIST MILL, and on each an excellent apple orchard.—Also the large two story BRICK HOUSE and TENEMENT, in York-Town, formerly occupied by Col. Hugh Nelson, with every convenient out house, most of them brick, and an extensive garden. The dwelling house has five rooms below, and six on the second floor, and excellent cellars and garret rooms.—Also a BRICK WAREHOUSE at the waterside, and half of a BRICK STORE, contiguous to the dwelling house—Likewise a STABLE on a seperate lot, and some additional Lots lately purchased. The quantity of land in the farms and lots will be ascertained before the sale. HOUSEHOLD FURNITURE of different kinds will be Sold, if the dwelling house is disposed of. The subscriber has for sale, also, a TRACT of LAND bordering on the main road from Williamsburg to York, about five miles from the latter. This tract contains four hundred and thirty two acres, a considerable quantity of it meadow land.—The terms may be known on application to Mr. William Nelson of Charles-City county, or to the subscriber in York Town.

Judith Nelson, *Executrix of*
*Hugh Nelson, deceased.*

July 30th, 1802. 1aw2ms.

# Valuable Property

*FOR SALE.*

THE subscribers, at a dissolution of a Co-partnership in the year 1794, were and still are possessed of the several tracts of land herein after mentioned, which they have agreed to sell by Public Auction, at Fluvanna courthouse, on Monday the 27th of September next, being court day, and the sale to continue day after day, until the whole of the land is sold: it being the intention of the parties to close their accounts, there will be no delay of the sale, be the price what it may. One fourth part of the purchase money to be paid down, or an approved acceptance payable in the city of Richmond, at the Eagle Tavern, in 60 days thereafter, the balance payable in three yearly equal instalments with interest from the day of sale. The land itself will be taken as security for the payment of the three instalments. The lands are held under different deeds and grants in Fluvanna and Albemarle counties as followeth:

300 Acres on the middle fork of Cunningham Creek;
150 Acres, joining the above;
124 1-4 Acres, joining the above;
108 Acres, joining the above;
44 Acres, joining the above;
400 Acres of very valuable land, on the North Fork of the said Creek, called Sandwidges;
265 Acres, on the branches of Cary Creek;
375 Acres, joining the above;
74 1-2 Acres, joining the above;
73 1-2 Acres, joining the above;
200 Acres, on Racoon Creek;
50 Acres, on the Rivanna River, joining the lands of Patrick Woodson;
225 acres, on little Mechunk Creek;
1700 Acres, on the branches of Hardware, in the county of Albemarle.

Those lands are generally in their native state—very little has been cultivated, and the improvements are inconsiderable. The soil may be classed in general as good farming land, with a sufficient proportion of Meadow land. Every tract is covered with valuable timber, which is rapidly increasing in demand and price. The transportation to Richmond is easy and cheap. Some of the lands are immediately on navigation, and the most distant part not more than 6 or 7 miles. Those who are disposed to purchase, and wish to view the lands, will obtain a suitable guide for the purpose, by applying to *Duncan McLaughlan*, in the town of Columbia. Should purchasers be desirous of a division of any of the tracts, for their accommodation it will be complied with, provided they take the whole of the tract among them. By mutual agreement the whole proceeds of the sales are to be paid to *David Ross*.

*David Ross.*
*Duncan McLaughlan.*

Richmond, 18th June, 1802. tds.

# EAGLE TAVERN,

—RICHMOND—

*ESME SMOCK,*

RESPECTFULLY informs the public, that he has taken the above house, which he purposes keeping in such manner as, he presumes to hope, will give general satisfaction. He will take particular care to be constantly supplied with the best WINES and LIQUORS, &c. &c. and as he is determined to spare no pains in making the Eagle Tavern equal to any in the United States, he therefore solicits such encouragement as his exertions merit.

His Stables are well furnished with FORAGE, and a careful Ostler.

May 27, 1802.

TO RENT,

*For one or more years, a convenient Store and dwelling*

## HOUSE,

*(With the necessary back-buildings,)*

Next door to the Eagle-Tavern, now in the possession of *Messrs. W. & D. Burr.* Enquire of

Wm. Mackenzie, & Co.

*Two doors below.*

*Richmond, July 28, 1802.* tf

# Lands in Kentucky.

TO be sold, by public sale, in the Tontine Coffee House, New-York, on the 2d day of December next, at 12 o'clock, noon—*Eleven Thousand*

ACRES OF LAND,

in one or more Lots, laying in the county of Fayette, state of Kentucky, about thirty miles from Lexington and Frankfort, 20 miles South East of the Ohio River, and adjacent to the public road between the two Miami Rivers and several rising settlements: The soil generally good, well watered, and timber of various descriptions. These Lands are within 15 miles of Main Lecking and Kentucky Rivers, both navigable two or three hundred miles above the extremity of the Lands.

ALSO,

To be sold at same time and place as the above, another TRACT OF LAND of *nine thousand* acres, in one or more lots, in the county of Fayette, state of Kentucky—nearly the same distance from Lexington, Frankfort, and the Ohio Rivers, as the foregoing tract, and lays between the former and Main Lecking River, distant from the latter only a few miles. The soil is in general good, well watered, and timber of different kinds, and as the former tract, in the neighbourhood of the settled parts of Kentucky and opposite a Jersey settlement. The grants by Edmund Randolph, esq. in 1787 and 1788, and the title deeds, are clear and undisputable.

*As these Lands are to be disposed of for behoof of Creditors, they will be positively sold to the highest bidder for approved Notes at 2 and 3 months.*

Captain Fowler, or Mr. James Masterson, of Lexington; Mr. George Brook, Clerk of Woodford county; or Major John Lee, near Frankfort, will point out the Lands; and for further information and an accurate plan of the Lands, apply to John or Charles Wilkes, esquires, or Lewis Simond, esq. New-York, or to Mr. Brown, Dumfries, Virginia.

July 30, 1802. [tf.]

THIRD NOTICE

*In the case of* Christopher Anthony *and* Tarlton Woodson Pleasants,

BANKRUPTS.

WHEREAS a commission of bankruptcy, founded upon the act of the congress of the U. States, passed on the 4th day of April 1800, entitled "An act to establish an uniform system of bankruptcy throughout the United States," has been awarded and issued against Christopher Anthony and Tarlton Woodson Pleasants, under the firm of Anthony and Pleasants, Merchants, of the city of Richmond; and they having been declared bankrupts, are hereby required to surrender themselves to the commissioners in the said commission named, or a major part of them, on Monday the 30th instant, and on Monday the 6th day of September next, and on Wednesday the 6th day of October, at the Eagle Tavern, in the city of Richmond, at 10 o'clock in the forenoon of each day, and make a full discovery and disclosure of their estate and effects: when and where the creditors are to come forward prepared to prove their debts, and at the second sitting to choose assignees; and at the last sitting the said bankrupts are required to finish their examination, and the creditors are to assent to, or dissent from, the allowance of their certificate. All persons indebted to the said bankrupts, or that have any of their effects, are not to pay or deliver the same but to whom the commissioners shall appoint. ROBERT BROOKE,

Secretary to the Commissioners.

Richmond, August 20, 1802.

I want to PURCHASE, from fifty to one hundred thousand

Flour Barrel Staves;

To be delivered at my Mills on the James River Canal.

JOSEPH GALLEGO.

Richmond, Sept. 8, 1802.

*Armistead Anderson,*

*Of the late firm of Austin & Anderson,)*

INFORMS the public, that he has commenced business in the

*Commission Line,*

In the brick corner house, just below the Capitol, and nearly opposite the Post Office. He has a commodious LUMBER-HOUSE, convenient to the canal, where any kind of produce will be received on STORAGE. All those who may favour him with a preference, may rest assured that the strictest attention will be paid to their commands.

Richmond, July 1st, 1802.

I am desirous of Selling my

## LAND,

*In the County of Halifax,*

LYING on Buckskin Creek, containing twelve hundred and fifty acres, and extending about two miles on both sides of the creek. This land is of good quality for meadow, and tobacco, and will be sold entire, or in divisions as may suit purchasers.

PAUL CARRINGTON, Jun.

July 27, 1802. 4w

TO RENT,

A CONVENIENT

## HOUSE,

*Near the Market, with five rooms, a cellar and kitchen.*

IT would very well accommodate two small families. For terms, in my absence, apply to Mr. Leighton Wood.

JAMES RIND.

July 20th, 1802.

THE subscriber has lately removed to the BRICK-HOUSE, opposite to Crouch's Tavern and near to Prosser and Moncure's Vendue Store.

He proposes to practice the law in the High Court of Chancery and District Courts, and in the County and City Courts which are held in this city.

HENRY BANKS.

Richmond, August 24, 1802. ft

*Dissolution of Partnership.*

THE PARTNERSHIP OF

*Austin & Anderson*

IS this day dissolved by mutual consent. The books and papers are in the hands of WILLIAM AUSTIN: All persons indebted to the concern, will make payment to him, who alone is authorised to close the business; all those having claims against the concern, will make application to him for payment.

William Austin,
Armistead Anderson.

*Richmond, May 3, 1802.*

# Fresh Seeds.

*MINTON COLLINS*

Respectfully informs the Public, that he has just received from Philadelphia the following

## SEEDS,

—*viz*—

RED, white and yellow Clover Seed; Saint Foine, Burnet, Rye-Grass, Burden Grass, Furz or Whim Seed, Hemp and Flax Seed, Tares or Vetches, Rape and Canary, White Mustard, Large Norfolk Turnip, Winter, Dutch & Stone Turnip, with a variey of Gardan Seeds, with some blue and white Chimney Ornaments, Glass Flower Bottles, and red Garden Pots, with a few choice Hyacinth Roots.

Richmond, August 15, 1802.

# Miss Robbins,

LATELY FROM LONDON,

Proposes to open in Richmond a

*Boarding-School,*

For the reception of

*YOUNG LADIES.*

HER education she flatters herself has been such as to render her adequate to the undertaking. Those young Ladies who may be confided to her tuition will be instructed in the English and French Languages, Writing and Arithmetic, with every other useful and polite accomplishment. Particular care will be paid to their morals, and every requisite attention will be given them.

The most approved masters for Music, Dancing, &c. will be engaged.

Persons desirous of being further informed of the subscriber, are requested to apply to the Rev'd. Mr. Buchanan, Mr. Gallego, Mr. William Hay, and Messrs. Macmurdo & Fisher.

Richmond, July 22, 1802.

# Lands and Negroes

*FOR SALE.*

BY virtue of a deed of trust, made to the subscriber, by Benjamin Toler, Thomas Hooper, and Henry Toler, jun. to satisfy a judgment of Henrico Court, obtained by Henry S. Shore, as attorney in fact for the late house of Wm. Anderson & Co. of London, will be sold at Hanover Courthouse, on Wednesday the 22d of September next, being court day, at public auction, for ready money, the two following *TRACTS OF LAND*, belonging to the said Benjamin Toler, to wit: One tract containing 842 acres, more or less, lying on Pamunkey River, in the counties of Caroline and King William, called the *Goose Ponds*, and adjoining the lands of William Nelson, William Ellis, and Paul Woodfolk; the other tract containing 722 acres, more or less, lying in the county of Hanover, about six miles above the court-house, and one and a half miles from Pamunkey River, and bounded by the lands of Charles Carter, William O. Winston, Robert Jennings, dec. William Hooper, and Obediah Hooper. On this tract is a good frame dwelling, with four rooms below and two above stairs; a large barn, and other out houses, and a peach and apple orchard. Also, FORTY VALUABLE SLAVES, among whom is a good blacksmith, and a cooper; or so much of the above mentioned property as will be sufficient to discharge the balance remaining due on said judgment, together with the interest and charges.

*Charles Copland,*
*Charles Johnston,* } Trustees.

Richmond, August 11, 1802. eptds

N. B. On the day preceding Hanover court, to wit, on the 21st September next, will be sold also for ready money, on the plantation in Hanover above mentioned, several valuable articles of Household and Kitchen Furniture, such as Mahogany Tables, Desk, Buffet, &c. &c. with the whole stock of Horses, Cattle and Hogs thereon.

P. S. Only 363 acres of the above mentioned tract of 722 acres will be sold at the time and place above mentioned, unless it shall be found necessary on the day of sale, to sell the whole tract.

Sept. 3d, 1802.

☞ The Sale of the Lands and Negroes, the property of Mr. Benjamin Toler, as advertised above, to take place on the twenty-second day of this month, is postponed till the 27th October next, being Hanover court day; but the Furniture, Stock, &c. will be sold, at the time and place mentioned in said advertisement. The TRUSTEES.

Sept. 11, 1802.

THE FOLLOWING

# SCHEME

OF A

LOTTERY,

*Is to raise the sum of two thousand dollars, for the purpose of repairing the buildings of*

Washington Henry Academy.

THIS Seminary was once second to none in the State, except William and Mary; and its healthiness of situation and contiguity to Richmond, renders its re-establishment an object of great importance to the citizens of that place. An hour's ride in any emergency may obtain the best medical aid, and place children immediately under the care and management of their parents.

The prizes in this Lottery are certainly not so large as to attract in any very great degree the mercenary; while they afford, from the few blanks to a prize, a fair chance for profitable returns to those who may purchase tickets. It is the promotion of an institution so valuable to society, which ought to command the liberality of the public in general, but in an eminent degree those who reside near the place, and are consequently more immediately interested. It is presumed that if the importance of reviving this Academy, was justly appreciated, the citizens of the adjacent counties would of themselves immediately purchase all the tickets.

| | | | | |
|---|---|---|---|---|
| 1 | prize | of | 500 | 500 |
| 2 | do | of | 300 | 600 |
| 5 | do | of | 100 | 500 |
| 10 | do | of | 50 | 500 |
| 50 | do | of | 20 | 1000 |
| 390 | do | of | 10 | 3900 |
| 1000 | do | of | 7 | 7000 |
| 1458 | | | | 14,000 |
| 2800 tickets at five dollars, not quite two blanks to a prize | | | | 14,000 |

It is proposed by the above scheme, to raise 2000 dollars, by discount upon prizes alone:—which, at 15 per cent. will be the sum desired.

TICKETS are sold by the trustees,* & the money received from time to time, is directed to be deposited in the treasury, for the use of the successful adventurers, or of the purchasers of such tickets respectively, if any accident should require a reimbursement.

* Thomas Tinsley, Edmund Randolph, M. Jones, Wm. Pollard, Gervas Storrs, John Seabrook, John A. Richardson, Samuel Scherrer, Roger Gregory, jun. Wm. Trueheart, Thomas Starke, Benjamin Pollard, Henry Timberlake, Benjamin Oliver, jun. John D. Blair.

Richmond, July 17, 1800.

Third

SECOND NOTICE.

*In the case of Edward Hyde,*

A BANKRUPT.

WHEREAS a commission of bankruptcy, founded upon the act of the Congress of the United States, passed on the 4th day of April 1800, entitled "an act to establish an uniform system of bankruptcy throughout the United States," has been awarded and issued against EDWARD HYDE, merchant, of the town of Fredericksburg, and he being declared a bankrupt, is hereby required to surrender himself to the commissioners in the said commission named, or a major part of them, on Monday the 13th, and Tuesday the 21st inst. and on Saturday the 16th day of October next, at the commissioners' office held in the Old Auditor's Office, near the Falling Garden in the city of Richmond, at 10 o'clock in the forenoon of each day, and make a full disclosure and discovery of his estate and effects: when and where the creditors are to come prepared to prove their debts, and at the second sitting, to chuse assignees, and at the last sitting, the said bankrupt is required to finish his examination, and the creditors are to assent to or dissent from the allowance of his certificate. All persons indebted to the said bankrupt, or that have any of his effects, are not to pay or deliver the same but to whom the commissioners shall appoint.

*ROBERT BROOKE,*
*Secretary to the Commissioners.*

Richmond, September 3d, 1802.

SECOND NOTICE

In the case of *Thomas Hooper & Henry Toler,*

BANKRUPTS.

WHEREAS a commission of bankruptcy, founded upon the act of the congress of the United States, passed on the 4th day of April, 1800, entitled "An act to establish an uniform system of bankruptcy throughout the United Sates, &c." has been awarded and issued against Thomas Hooper and Henry Toler, merchants, under the firm of Hooper and Toler, of the city of Richmond, and they having been declared bankrupts, are hereby required to surrender themselves to the commissioners in the said commission named or a major part of them, on Friday the 10th, and on Saturday the 25th days of September, and on Wednesday the 20th day of October next, at the commissioners office, in the old auditor's office near the falling gardens, in the city of Richmond, at 10 o'clock in the forenoon of each day, and make a full discovery and disclosure of their estate and effects; when and where the creditors are to come prepared to prove their debts, and at the second sitting to chuse assignees, and at the last sitting the said Bankrupts are required to finish their examination, and the creditors are to assent to or dissent from the allowance of their certificate. All persons indebted to the said bankrupt are not to pay or deliver the same, but to whom the commissioners shall appoint.

RO. BROOKE,
*Secretary to the Commissioners.*

Richmond, Sept. 3d, 1802.

# Land for Sale.

A VALUABLE tract containing 907 acres, lying in Charlotte county on Cub Creek, about one mile above the confluence of said creek with Staunton River, adjoining the roads leading from Booker's Ferry to Charlotte court house and Rough Creek Church, and in a remarkable good neighborhood for a store. This land possesses more advantages, and is equal, if not superior in strength and fertility, to any tract of its size in the county. There is about the middle of it a remarkable lofty and elegant situation for a seat, on which stands a new convenient dwelling house (that may be finished for about forty dollars) situated convenient to an uncommon good spring. There is about one hundred acres of low ground, two thirds well adapted to the culture of tobacco, and the other suitable for meadows. There is already a valuable meadow of about ten acres lately sown with timothy. Not more than one fourth of this tract cut, and that, together with the uncleared part, lies extremely level. 'Tis also convenient to several shad fisheries, and is remarkable for its quantity of all kinds of timber (pine alone excepted) range for stock, &c. &c. For terms apply to John L. Lesueur, or the subscriber living near the premises

EDWARD DENNIS.

Charlotte, Aug. 18, 1802. (6ms)

N. B. James River or Appomattox inspected tobacco, or male negroes from ten to thirty years old, at cash prices, will be taken in payment, and considerable indulgence given for one third of the purchase money, the purchaser giving bond with approved security. E. D.

*Cheap, for Cash.*

BLANKS FOR SALE AT THIS OFFICE.

BONDS, and Promissory Notes—*1/6 per Quire.*

Other Blanks printed by the ream, or ten quires, at *3/9 per Quire.*